



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

ELP
Docket No. 5584-99
24 November 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 23 November 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 31 May 1974 for four years at age 17. The record reflects that you were advanced to SA (E-2) and served without incident for nearly nine months. However, during the seven month period from February to September 1975 you received three nonjudicial punishments (NJP) for two instances of disrespect, dereliction of duty, resisting apprehension, use of provoking racial slurs, drunk and disorderly conduct, failure to obey brig rules and regulations, and assault. During this period, you also received two adverse enlisted performance evaluations in which adverse marks were assigned in the rating categories of professional performance, military appearance, adaptability, and military behavior.

On 6 February 1976 you were notified that you were being processed for discharge by reason of convenience of the government due to substandard performance. You were advised that you would receive the type of discharge warranted by the service record. You were advised of your procedural rights but declined

to submit a statement and did not object to the discharge. On 30 March 1976 you received a general discharge by reason of "Substandard Performance of Duty."

Regulations provided that individuals separated for convenience of the government due to substandard performance would receive the type of discharge warranted by the service record. Character of service is based, in part, on military behavior and overall traits averages which are computed from marks assigned during periodic evaluations. Your military behavior and overall traits averages were 2.73 and 2.84, respectively. At the time of your discharge, a minimum average mark of 3.0 in military behavior was required for a fully honorable characterization of service.

In its review of your application, the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, limited education, and the fact that it has been more than 23 years since you were discharged. The Board noted your contention that you need an honorable characterization of service in order to obtain a veterans' preference to work for the postal service. The Board concluded that the foregoing factors and contention were insufficient to warrant recharacterization of your discharge given the three NJPs and your failure to achieve the required average in military behavior. Your need for a veterans' preference to work with the postal service does not provide a valid basis for recharacterization of service. The Board concluded that the discharge was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director